

Article - Criminal Procedure

[\[Previous\]](#)[\[Next\]](#)

§10–239.

(a) In this part the following words have the meanings indicated.

(b) “Attorney General” means the Attorney General of the United States.

(c) “Compact officer” means:

(1) with respect to the federal government, an official so designated by the Director of the FBI; and

(2) with respect to a party state, the chief administrator of the state’s criminal history records repository or a designee of the chief administrator who is a regular full-time employee of the repository.

(d) “Council” means the Compact Council established under Section 10–244 of this subtitle.

(e) “Criminal history records”:

(1) means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, or release; and

(2) does not include identification information such as fingerprint records if such information does not indicate involvement of the individual with the criminal justice system.

(f) “Criminal history records repository” means the state agency designated by the governor or other appropriate executive official or the legislature of a state to perform centralized record keeping functions for criminal history records and services in the state.

(g) “Criminal justice” includes activities relating to the detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice includes criminal identification activities and the collection, storage, and dissemination of criminal history records.

(h) “Criminal justice agency”:

(1) means:

(i) courts; and

(ii) a governmental agency or any subunit thereof that:

1. performs the administration of criminal justice pursuant to a statute or executive order; and

2. allocates a substantial part of its annual budget to the administration of criminal justice; and

(2) includes federal and state inspectors general offices.

(i) “Criminal justice services” means services provided by the FBI to criminal justice agencies in response to a request for information about a particular individual or as an update to information previously provided for criminal justice purposes.

(j) “Criterion offense” means any felony or misdemeanor offense not included on the list of nonserious offenses published periodically by the FBI.

(k) “Direct access” means access to the National Identification Index by computer terminal or other automated means not requiring the assistance of or intervention by any other party or agency.

(l) “Executive order” means an order of the President of the United States or the chief executive officer of a state that has the force of law and that is promulgated in accordance with applicable law.

(m) “FBI” means the Federal Bureau of Investigation.

(n) “Interstate Identification Index System” or “III System”:

(1) means the cooperative federal–state system for the exchange of criminal history records; and

(2) includes the National Identification Index, the National Fingerprint File and, to the extent of their participation in such system, the criminal history record repositories of the states and the FBI.

(o) “National Fingerprint File” means a database of fingerprints, or other uniquely personal identifying information, relating to an arrested or charged individual maintained by the FBI to provide positive identification of record subjects indexed in the III System.

(p) “National Identification Index” means an index maintained by the FBI consisting of names, identifying numbers, and other descriptive information relating to record subjects about whom there are criminal history records in the III System.

(q) “National indices” means the National Identification Index and the National Fingerprint File.

(r) “Nonparty state” means a state that has not ratified this Compact.

(s) “Noncriminal justice purposes” means uses of criminal history records for purposes authorized by federal or state law other than purposes relating to criminal justice activities, including employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances.

(t) “Party state” means a state that has ratified this Compact.

(u) “Positive identification” means a determination, based upon a comparison of fingerprints or other equally reliable biometric identification techniques, that the subject of a record search is the same person as the subject of a criminal history record or records indexed in the III System. Identifications based solely upon a comparison of subjects’ names or other nonunique identification characteristics or numbers, or combinations thereof, shall not constitute positive identification.

(v) “Sealed record information” means:

(1) with respect to adults, that portion of a record that is:

(i) not available for criminal justice uses;

(ii) not supported by fingerprints or other accepted means of positive identification; or

(iii) subject to restrictions on dissemination for noncriminal justice purposes pursuant to a court order related to a particular subject or pursuant to a federal or state statute that requires action on a sealing petition filed by a particular record subject; and

(2) with respect to juveniles, whatever each state determines is a sealed record under its own law and procedure.

(w) “State” means any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

[\[Previous\]](#)[\[Next\]](#)